

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	<b>Criminal Case No. 6:02cr70044</b>
	)	
	)	<b><u>ORDER</u></b>
<b>v.</b>	)	
	)	<b>By: Norman K. Moon</b>
<b>EMMA JEAN DAVIS</b>	)	<b>United States District Judge</b>

For the reasons stated in the accompanying memorandum opinion, it is hereby ordered that defendant's motion to investigate if defendant is eligible for a sentence reduction and to be accepted for timeliness (Docket No. 39) is **DENIED**, defendant's § 2255 motion (Docket No. 37) is **DISMISSED** as untimely filed, and this action is **STRICKEN** from the active docket of the court.

Based upon the court's finding that the defendant has not made the requisite showing of the denial of a constitutional right, a certificate of appealability is also **DENIED**.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the defendant.

**ENTER:** This 8th day of August, 2013.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE